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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/782,531	02/20/2004	Hyo G. Lee	10863-1	3239

7590 04/06/2007  
National IP Rights Center, LLC  
Suite 400  
550 Township Line Road  
Blue Bell, PA 19422

EXAMINER
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KUMAR, PREETI

ART UNIT	PAPER NUMBER
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1751

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/06/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

## Office Action Summary

Application No.

10/782,531

Applicant(s)

LEE HY0 G.

Examiner

Preeti Kumar

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 26 December 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application
- ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Final Rejection***

1. Claims 1-5 are pending.
2. Claims 1, 3, 5 are independent.

***Response to Amendment***

3. None of the claims have been amended

***Response to Arguments***

4. The objection of claims 3-4 is maintained since claims 3-4 are a duplicate of claims 1-2.
5. The rejection of claims 1-5 under 35 U.S.C. 103(a) as being unpatentable over Ono et al. (US 4,917,920) in view of Taniguchi et al. (JP 404082955 A) is maintained.
6. Applicant's arguments filed 12/26/2006 have been fully considered but they are not persuasive. In response to applicant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971). In the instant case, one of ordinary skill is aware of the claimed steps of fitting the socks over feet molds and steaming the socks to take shape since Taniguchi et al., illustrate the beneficial utility of foot molds in a process of making socks and one of

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ordinary skill is aware of the prior art teaching of Ono et al. suggesting the manufacture of dyed woven fabrics, knitted goods and apparel and soaking the woven fabrics, knitted goods and apparels with microcapsules containing the perfume with subsequent drying, finishing and setting steps to prepare fragrant woven fabrics, knitted goods and apparel, according to a conventional process in general. One of ordinary skill in the art would have been motivated to combine the teachings of Ono et al. with that of Taniguchi et al. since both references teach the analogous art of manufacturing woven socks.

***Claim Rejections - 35 USC § 103***

7. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

8. Claims 1-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ono et al. (US 4,917,920) in view of Taniguchi et al. (JP 404082955 A).

Ono et al. teach in example 1, ten kinds of dyed woven fabrics, knitted goods and apparel were soaked (printed or patted) in the resulting emulsion containing the above microcapsules and centrifuged to dewater, followed by drying and heating in wet at 120- about 130 C. for 1 minute. The woven fabrics, knitted goods and apparels to which the microcapsules containing the perfume were adhered were forwarded to drying, finishing and setting steps to prepare fragrant woven fabrics, knitted goods and apparel, according to a conventional process. See col.10, example 1.

Ono et al. do not specifically teach fitting the socks over feet molds and steaming the socks to take shape.

Taniguchi et al. teach a process that reduces labor by setting socks to plural foot-moldels attached to a unidirectionally movable endless track, carrying out respective processes such as examination, dyeing, setting, drying and insertion of a ground paper in order and eliminating unnecessary detachment and conveyance operations. See abstract, (English translation).

Taniguchi et al. illustrate socks set to foot-moldels and are subsequently dyed and water washed in a dyeing unit by heating a dye solution supplied from a dye tank and a water source through a heat exchanger and then introducing the solution into a dyeing chamber, then subjected to steam heating set using a following setting unit and dried using a drying unit. See the abstract, (English Translation)

It would have been obvious to one of ordinary skill in the art to modify the teachings of Ono et al. with the claimed steps of fitting the socks over feet molds and steaming the socks to take shape as taught by Taniguchi et al., with a reasonable expectation of success, because the teachings of Taniguchi et al. illustrate the beneficial utility of foot molds in a process of making socks and Ono et al. suggest the manufacture of dyed woven fabrics, knitted goods and apparel and soaking the woven fabrics, knitted goods and apparels with microcapsules containing the perfume with subsequent drying, finishing and setting steps to prepare fragrant woven fabrics, knitted goods and apparel, according to a conventional process in general. One of ordinary skill in the art would have been motivated to combine the teachings of Ono et al. with that of Taniguchi et al. since both reference teach the analogous art of manufacturing woven socks.

***Conclusion***

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Preeti Kumar whose telephone number is 571-272-1320. The examiner can normally be reached on M-F 9:00am - 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Douglas Mc Ginty can be reached on 571-272-1029. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Preeti Kumar *PK*  
Examiner  
Art Unit 1751

PK

*Douglas McGinty*  
DOUGLAS MCGINTY  
SUPERVISORY PATENT EXAMINER

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